

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Steven L. Scott,

Plaintiff

V.

James Cox et al.,

Defendants

Case No.: 2:17-cv-00702-JAD-BNW

**Order Granting Motion for Order on
Mandate and Directing the Parties to Meet
and Confer and File Status Briefs
Explaining the Effect, if any, of the
Settlement on this Remanded Case**

[ECF No. 165]

9 Pro se prisoner Steven L. Scott brought this civil-rights action against prison officials at
10 the Southern Desert Correctional Center, alleging primarily that the facility's policies and
11 procedures for dispensing a common-fare diet violated his First and Fourteenth Amendment
12 rights and that they retaliated against him for filing grievances. This court granted summary
13 judgment in favor of some of the defendants, and Scott appealed. While that appeal was
14 pending, the parties stipulated to dismiss this case with prejudice.¹ A few months later, the
15 Ninth Circuit decided Scott's appeal, reviving some of the claims I had resolved by summary
16 judgment.²

17 Scott reminds this court that the mandate on that decision has been issued and moves the
18 court to take action in response to that mandate.³ I grant that motion. But it is unclear to me
19 what effect the dismissal of the case had on these claims that were revived on appeal.

20 Accordingly, IT IS ORDERED that Scott's motion for the court to take action on the

¹ ECF No. 160.

23 | ² ECF No. 163.

³ ECF No. 165.

1 mandate [ECF No. 165] is GRANTED, and the mandate of the Court of Appeals for the
2 Ninth Circuit [ECF No. 164] is hereby spread on the docket.

3 IT IS FURTHER ORDERED that **all parties must meet and confer** by phone or
4 videoconferencing to discuss the status of this case and what, if anything, is left to be done in
5 light of the Ninth Circuit decision and the settlement. This conference must occur **by February**
6 **24, 2023**. Each side will then have **until March 15, 2023, to file a status report** with the court,
7 advising the court of what steps, if any, are left to be taken in this case.

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10 U.S. District Judge Jennifer A. Dorsey
11 January 24, 2023
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